

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

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Tuesday, June 07, 2016

636 - 6th Floor East Courtroom, 2:30 P.M.

Before: **Boggs, Clay, Gilman**

15-1659 John Sampson, et al. v. Lisa Gee-Cram, et al.

2:13-cv-10113

Eastern District of Michigan at Detroit

S. Cox

In this civil rights action alleging illegal searches and seizure of funds, plaintiffs appeal the granting of qualified immunity on some of their claims and the dismissal of other claims. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

15-6073 Todd White v. Ricky Bell, et al.

3:10-cv-00863

Middle District of Tennessee at Nashville

W. Haynes

Defendants appeal a district court's judgment granting plaintiff's motion for a new trial in this civil rights action filed under 42 U.S.C. Section 1983. (15 Minutes Per Side)

15-3695 USA v. Berryon Moore, III

2:13-cr-00289-5

Southern District of Ohio at Columbus

G. Smith

Defendant appeals the judgment entered and sentence imposed following his guilty plea to conspiracy to possess with intent to distribute heroin. (To Be Submitted On Briefs)

15-3677 Varinder Singh v. Loretta Lynch

a200 822 147

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

15-3997 USA v. Henry Williams

5:15-cr-00085-1

Northern District of Ohio at Akron

J. Gwin

Defendant appeals the judgment entered and sentence imposed following his guilty plea to being a felon in possession of a firearm and possession with intent to distribute cocaine base. (To Be Submitted On Briefs)

Wednesday, June 08, 2016

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Kethledge, White, Davis**

15-1060 USA v. Christopher Tibbs

2:14-cr-20154-1 Eastern District of Michigan at Detroit

B. Friedman

In this criminal action tried to a jury, defendant appeals his conviction of interference with commerce by robbery and possession of a firearm in furtherance of a crime of violence. (15 Minutes Per Side)

15-2213 Ahmad Mourad, et al. v. Marathon Petroleum Company LP

2:14-cv-14217 Eastern District of Michigan at Detroit

P. Duggan

Plaintiffs appeal the dismissal of their diversity action alleging tort claims arising from the operation of an oil refinery. (15 Minutes Per Side)

14-3094 Allied Erecting, et al. v. STB, et al.

fd 35316 Surface Transportation Board

15-4020 Allied Erecting, et al. v. STB, et al.

fd 35316 Surface Transportation Board

15-4021 Allied Erecting, et al. v. STB, et al.

fd 35477 Surface Transportation Board

Petitioners seek review of decisions of the Surface Transportation Board relating to a dispute between a property owner and a railroad regarding the railroad's use of two easements over the property owner's land. (15 Minutes for Petitioners; 15 Minutes to be Shared by Respondents & Intervenors)

15-4189 Tina DeWalt v. Harrison County Commissioners

2:14-cv-00064 Southern District of Ohio at Columbus

J. Graham

Plaintiff appeals the summary judgment for the defendant in this employment discrimination case brought by the former dog warden for Harrison County Ohio. (15 Minutes Per Side)

15-5775 In re: Earl Bernard Blasingame, et al.

08-28289 Western District of Tennessee at Memphis

J. Latta

The Debtors appeal the Bankruptcy Appellate Panel's dismissal of their appeal, for lack of jurisdiction as non-final and non-appealable, from the bankruptcy court's order denying their motion to approve a compromise and settlement. (To Be Submitted On Briefs)

15-3655 USA v. Peter Tsai

1:13-cr-00063-1 Southern District of Ohio at Cincinnati

S. Dlott

Defendant appeals the judgment entered and sentence imposed following his guilty plea to conspiracy to commit health care fraud and illegal smuggling of goods into the United States. (To Be Submitted On Briefs)

15-3982 USA v. Akira Jackson

4:14-cr-00147-1 Northern District of Ohio at Youngstown

D. Nugent

Defendant appeals the judgment entered and sentence imposed following his guilty plea to being a felon in possession of a firearm and ammunition and being a violent felon in possession of body armor. (To Be Submitted On Briefs)

Wednesday, June 08, 2016

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Kethledge, White, Davis**

15-5861 USA v. Jose Jimenez

5:13-cr-00045-1 Western District of Kentucky at Paducah

T. Russell

Defendant appeals his judgment of conviction for aiding and abetting the possession with intent to distribute methamphetamine. (To Be Submitted On Briefs)

Wednesday, June 08, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, Cook, Stranch**

15-4293 Lloyd Brown, III v. United of Omaha Life Ins., et al.

2:13-cv-00830

Southern District of Ohio at Columbus

G. Smith

In this diversity contract dispute, United Omaha Life Insurance appeals the judgment for plaintiff on his denial-of-benefits claim against United. (15 Minutes Per Side)

15-5698 Bank of America, N.A., et al. v. Corporex Realty & Investment, et al.

2:12-cv-00023

Eastern District of Kentucky at Covington

D. Bunning

15-5699 Bank of America, N.A. v. CPX Madison Place Office, LLC, et al.

2:11-cv-00168

Eastern District of Kentucky at Covington

D. Bunning

15-5711 Bank of America, N.A., et al. v. Corporex Realty & Investment,, et al.

2:12-cv-00023

Eastern District of Kentucky at Covington

D. Bunning

Defendants appeal the summary judgment for plaintiffs in these related actions to recover damages for breach of guaranties against the guarantors of defaulted promissory notes. (15 Minutes Per Side)

15-4125 John Harmon, et al. v. Hamilton County, Ohio, et al.

1:10-cv-00911

Southern District of Ohio at Cincinnati

S. Dlott

Defendants appeal a district court order denying them qualified immunity on plaintiffs' Fourth Amendment claims arising from an altercation plaintiff John Harmon had with Hamilton County Ohio Sheriff's Officers while suffering from a diabetic low blood sugar episode. (15 Minutes Per Side)

15-1968 Kathy Boyer v. Robert Lacy

2:14-cv-11503

Eastern District of Michigan at Detroit

B. Friedman

Plaintiffs appeal the summary judgment for the defendant in this civil rights action alleging deliberate indifference to a serious medical need. (15 Minutes Per Side)

15-5623 USA v. Amos Patton

2:13-cr-20330-1

Western District of Tennessee at Memphis

J. Fowlkes

Defendant appeals his conviction for assault with intent to commit murder, assault with a dangerous weapon with intent to do bodily harm, and discharge of a firearm during and in relation of a crime. (15 Minutes Per Side)

15-3405 USA v. Donald Baines

1:14-cr-00306-1

Northern District of Ohio at Cleveland

J. Adams

Defendant appeals the upward variance imposed on his sentence following his guilty plea to being a felon in possession of a firearm and possess with intent to distribute cocaine. (To Be Submitted On Briefs)

15-6082 Mehrdad Hosseini v. Jeh Johnson, et al.

5:14-cv-00404

Eastern District of Kentucky at Lexington

K. Caldwell

Plaintiff appeals the dismissal of his action, for lack of subject matter jurisdiction, challenging the denial of his application for an adjustment of status. (To Be Submitted On Briefs)

Wednesday, June 08, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, Cook, Stranch**

15-2378 Talmer Bank and Trust v. Norman Malek

[2:15-cv-10648](#)

Eastern District of Michigan at Detroit

S. Murphy

Defendant appeals the judgment on the pleadings in this diversity declaratory judgment action seeking to ascertain rights under a separation agreement and release. (To Be Submitted On Briefs)

15-1569 USA v. Phillip Walsh

[1:14-cr-00072-2](#)

Western District of Michigan at Grand Rapids

P. Maloney

15-2071 USA v. Betty Jenkins

[1:14-cr-00072-1](#)

Western District of Michigan at Grand Rapids

P. Maloney

Defendants appeal their jury convictions and sentences for conspiracy to manufacture marijuana plants and maintaining drug-involved premises. (To Be Submitted On Briefs)

15-2395 Naomi Spicer v. Comm. of Social Security

[1:14-cv-00587](#)

Western District of Michigan at Grand Rapids

P. Maloney

Plaintiff appeals the judgment affirming the denial of her application for disability insurance benefits. (To Be Submitted On Briefs)

Wednesday, June 08, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Boggs, Clay, Gilman**

15-5844 USA v. John Coleman

5:07-cr-00185-2 Eastern District of Kentucky at Lexington

J. Hood

J. Wehrman

15-5845 USA v. John Coleman

5:13-cr-00065-1 Eastern District of Kentucky at Lexington

J. Hood

Defendant appeals the revocation of his term of supervised release. (15 Minutes Per Side)

15-4297 Brenda Bickerstaff v. Vincent Lucarelli, et al.

1:14-cv-00831 Northern District of Ohio at Cleveland

C. Boyko

Plaintiff, a private detective, appeals the summary judgment for the defendants in this case alleging malicious prosecution by members of the Cleveland Police Department. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

15-5966 Journey Acquisition-II, L.P. v. EQT Production Co

6:12-cv-00108 Eastern District of Kentucky at London

G. Van Tatenhove

Defendant appeals the judgment for Plaintiff in this diversity action arising from the interpretation of contractual agreements involving the conveyance of interests in oil, natural gas, mineral rights, and other assets. (15 Minutes Per Side)

15-6254 V. Howell v. Jimmy Farris, et al.

1:15-cv-01027 Western District of Tennessee at Jackson

J. Breen

Plaintiff appeals the dismissal of his civil-rights suit, alleging various constitutional violations arising from injuries he sustained following the denial of requested building permits. (To Be Submitted On Briefs)

Wednesday, June 08, 2016

636 - 6th Floor East Courtroom, 2:00 P.M.

Before: **Boggs, Rogers, Stranch**

15-6280 USA, et al. v. Community Health Systems, Inc, et al.

[3:11-cv-00442](#)

Middle District of Tennessee at Nashville

K. Sharp

Defendants appeal the district court's award of attorneys' fees to plaintiffs in this action arising from violations of the False Claims Act. (15 Minutes Per Side)

Thursday, June 09, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Cook, Kethledge, Sargus**

15-2323 Farm Bureau General Insurance v. Blue Cross Blue Shield of Mic, et al.[1:14-cv-00058](#)

Western District of Michigan at Grand Rapids

J. Neff

Plaintiff appeals the summary judgment for defendant in this action seeking reimbursement of medical expenses from an ERISA employee benefit plan. (15 Minutes Per Side)

15-6067 John Beauchamp, et al. v. FHLMC, et al.[2:13-cv-00053](#)

Eastern District of Kentucky at Covington

J. Wehrman

Plaintiffs appeal the summary judgment for Defendant in this civil action alleging negligence and related claims arising from Defendant's disposal of personal property following foreclosure proceedings. (15 Minutes Per Side)

15-4242 Henri Solari, et al. v. Goodyear Tire and Rubber Co[5:14-cv-01000](#)

Northern District of Ohio at Akron

J. Adams

Plaintiffs appeal the dismissal under the doctrine of forum non conveniens of their amended complaint alleging that they were harmed while working at defendant's tire making factory in Amiens, France. (15 Minutes Per Side)

15-6108 Sony/ATV Publishing, LLC, et al. v. Gai Marcos, et al.[3:14-cv-01929](#)

Middle District of Tennessee at Nashville

K. Sharp

Defendants appeal a district court's interlocutory order issuing a preliminary injunction in this copyright-infringement action arising from Defendants' use of numerous popular musical compositions in karaoke products. (15 Minutes Per Side)

15-3395 Miguel Ibarra-Reina v. Loretta E. Lynch

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Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

15-2265 Richard Kimball, et al. v. Orlans Associates P.C., et al.[2:14-cv-12861](#)

Eastern District of Michigan at Detroit

A. Tarnow

Plaintiffs appeal the summary judgment for defendants in this action challenging a mortgage foreclosure under the Servicemembers Civil Relief Act. (To Be Submitted On Briefs)

14-2436 USA v. Jigar Patel[2:11-cr-20540-11](#)

Eastern District of Michigan at Detroit

T. Berg

15-1103 USA v. Srinivas Reddy[2:11-cr-20540-14](#)

Eastern District of Michigan at Detroit

T. Berg

15-1881 USA v. Shahzad Mirza[2:11-cr-20540-18](#)

Eastern District of Michigan at Detroit

G. Rosen

Defendants appeal their jury convictions and sentences for health care fraud conspiracy, health care fraud, and money laundering. (To Be Submitted On Briefs)

Thursday, June 09, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Cook, Kethledge, Sargus**

15-5921 Leo Parrino v. USA

[3:11-mj-00218-1](#)

Western District of Kentucky at Louisville

D. Whalin

In this appeal from the denial of a 28 U.S.C. Section 2255 motion to vacate sentence, the appellant, a federal probationer, argues that his counsel performed ineffectively in advising him regarding his guilty plea. (To Be Submitted On Briefs)

15-6239 USA v. Justin Carter

[3:14-cr-00166-1](#)

Middle District of Tennessee at Nashville

T. Campbell

Defendant appeals his judgment of conviction for conveying false information-use or the attempted use of weapons of mass destruction and mailing written communications containing a threat to injure. (To Be Submitted On Briefs)

Thursday, June 09, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, Clay, White**

15-1730 Kevin Laury v. Matthew Rodriguez, et al.

[2:13-cv-15059](#)

Eastern District of Michigan at Detroit

P. Borman

Plaintiff appeals the summary judgment for defendants in this civil rights action alleging use of excessive force during his arrest and booking in violation of the Fourth Amendment. (15 Minutes Per Side)

14-2600 USA v. Jeffrey Doxey, Jr.

[1:13-cr-00235-1](#)

Western District of Michigan at Grand Rapids

P. Maloney

Defendant appeals the judgment entered on a jury verdict of guilty of possession with intent to distribute heroin. (15 Minutes Per Side)

15-4213 Jayne Sorrell v. Comm of Social Security

[1:14-cv-00625](#)

Southern District of Ohio at Cincinnati

S. Dlott

Plaintiff appeals the district court's judgment affirming the Commissioner of Social Security's denial of her applications for disability insurance benefits and supplemental security income. (15 Minutes Per Side)

15-2022 Gloria Barnes v. Sun Chem Corp

[1:14-cv-00136](#)

Western District of Michigan at Grand Rapids

P. Maloney

Plaintiff appeals the summary judgment for defendant in this diversity wrongful death action. (15 Minutes Per Side)

15-3633 USA v. Dwight Bullard

[1:14-cr-00411-1](#)

Northern District of Ohio at Cleveland

J. Gwin

Defendant appeals the order denying his motion to suppress and the judgment entered and sentence imposed following his guilty plea to possession with intent to distribute heroin and being a felon in possession of a firearm and ammunition. (To Be Submitted On Briefs)

Thursday, June 09, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Boggs, Rogers, Stranch**

15-4193 Katherina Swank v. CareSource Mgmt Group Corp[1:13-cv-02048](#)

Northern District of Ohio at Cleveland

J. Adams

Plaintiff appeals the summary judgment for defendant in this action alleging claims for disability discrimination and retaliation. (15 Minutes Per Side)

15-6109 Owensboro Health, Inc. v. HHS, et al.[4:14-cv-00023](#)

Western District of Kentucky at Owensboro

J. McKinley

15-6110 Jackson Purchase Medical Ctr, et al. v. U.S. Dept of Health and Human, et al.[6:14-cv-00001](#)

Eastern District of Kentucky at London

K. Caldwell

Plaintiffs appeal the summary judgment for defendants in this action under the Social Security Act arising from Medicare reimbursement decisions by defendants. (15 Minutes Per Side)

15-2339 Donyelle Woods v. Willie Smith[2:09-cv-11455](#)

Eastern District of Michigan at Detroit

S. Murphy

Petitioner appeals the district court's judgment denying his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

14-2391 USA v. Earl Coleman[1:14-cr-00030-1](#)

Western District of Michigan at Grand Rapids

R. Bell

Defendant appeals the judgment entered following his plea of guilty of possession with intent to distribute heroin and possession of a firearm in furtherance of a drug trafficking crime. (To Be Submitted On Briefs)

15-3759 USA v. William McBride, Jr.[2:14-cr-00249-1](#)

Southern District of Ohio at Columbus

J. Graham

15-3761 USA v. William McBride, Jr.[2:14-cr-00277-1](#)

Southern District of Ohio at Columbus

J. Graham

15-3762 USA v. William McBride, Jr.[2:15-cr-00007-1](#)

Southern District of Ohio at Columbus

J. Graham

15-3763 USA v. William McBride, Jr.[2:15-cr-00009-1](#)

Southern District of Ohio at Columbus

J. Graham

15-3764 USA v. William McBride, Jr.[2:15-cr-00010-1](#)

Southern District of Ohio at Columbus

J. Graham

Defendant appeals the judgment entered and sentence imposed following his guilty plea to armed bank robbery. (To Be Submitted On Briefs)

15-3863 USA v. Samuel Condo, Jr.[1:14-cr-00453-1](#)

Northern District of Ohio at Cleveland

B. Pearson

Defendant appeals the judgment entered and sentence imposed following his guilty plea to enticement, receipt/distribution of visual depictions of minors engaged in sexually explicit conduct, transfer obscene material to a minor, transportation of visual depictions of minors engaged in sexually explicit conduct, and travel to engage in illicit sexual conduct. (To Be Submitted On Briefs)

Friday, June 10, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, Clay, White**

14-6533 USA v. Betsy Hillis**4:12-cr-00005-10** Eastern District of Tennessee at Winchester H. Mattice

Defendant appeals her conviction for conspiracy to manufacture and distribute methamphetamine and conspiracy to possess and distribute a precursor chemical to methamphetamine. (15 Minutes Per Side)

14-4279 Charles Shorter v. Rhonda Richard**3:14-cv-00222** Southern District of Ohio at Dayton T. Rose

Petitioner appeals the district court's judgment dismissing his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

15-4180 Mark Crawford, et al. v. Donavin Geiger, et al.**3:13-cv-01883** Northern District of Ohio at Toledo J. Carr
J. Knepp**15-4181 Mark Crawford, et al. v. Donavin Geiger, et al.****3:13-cv-01883** Northern District of Ohio at Toledo J. Carr
J. Knepp

Defendants appeal the denial of their motion for summary judgment on the basis of qualified immunity as to plaintiffs' excessive force and false arrest/seizure claims. (To Be Submitted On Briefs)

15-6189 Lynda Freeman v. DOL**5:14-cv-00114** Western District of Kentucky at Paducah G. Stivers

Plaintiff appeals the order dismissing her complaint against the United States Department of Labor seeking judicial review of an administrative final decision and denial of her request for reopening. (To Be Submitted On Briefs)

Friday, June 10, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Boggs, Rogers, Stranch**

14-3896 Fatmata Kanu v. Loretta E. Lynch

a094-561-907 Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, protection under the Convention Against Torture and other relief. (15 Minutes Per Side)